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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

FILED

08 FEB 25 AM 9:48

UNITED STATES OF AMERICA,

Plaintiff,

V.

Gustavo Miguel MARTINEZ

Defendant.

) Magistrate Case No.:

) COMPLAINT FOR VIOLATION OF:

-) Title 21, U.S.C.,
-) Sections 952 and 960 -
-) Importation of a Controlled
-) Substance

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 0538



CP

DEPUTY

The undersigned complainant being duly sworn states:

COUNT 1

That on or about February 24, 2008, within the Southern District of California, Gustavo Miguel MARTINEZ, did knowingly and intentionally import into the United States from a place outside thereof, approximately 53.75 kilograms of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Mark Sanders

Mark S. Narvaez, Special Agent
U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence this 25th day of February 2008.

Ch. H. Hume

Statement of Facts

These facts are based on my personal participation in this investigation and on written and oral statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the defendant named in the attached complaint committed the crimes charged in the complaint.

On February 24, 2008, at approximately 0110, Gustavo MARTINEZ arrived at the San Ysidro Port of Entry from Mexico driving a red Hyundai Elantra registered in his name and bearing California license plates 4DTZ859. MARTINEZ was the sole occupant of the vehicle. MARTINEZ made a negative Customs declaration to U.S. Customs and Border Protection (CBP) Officer Renteria by stating that he was bringing nothing from Mexico. MARTINEZ stated that he was intending to travel to his home in Los Angeles, California. During the inspection, Officer Renteria noticed irregularities in the area of the rear bumper and trunk. MARTINEZ claimed to Officer Renteria that the vehicle was his and that he has owned it for two months.

MARTINEZ and his vehicle were referred for secondary inspection. During the secondary inspection, a CBP canine alerted to the odor of a controlled substance emanating from the rear bumper of the vehicle. During the secondary inspection, CBP Officer Iuli discovered packages within the front bumper of the vehicle, which she found to contain a substance that field-tested positive for the presence of marijuana. Upon continuing her inspection of the vehicle, Officer Iuli found that the vehicle had been modified. The fuel tank was altered allowing it to contain approximately three (3) gallons of gasoline. Officer Iuli discovered that a false fuel tank sending unit had been installed under the rear seat and above the fuel tank. Officer Iuli discovered that packages were concealed within the front and rear bumpers as well as in the vehicle's gasoline tank. The packages were found to contain a substance, which field-tested positive for the presence of marijuana. A total of twenty-three (23) packages were discovered concealed in the vehicle. The total weight of the twenty-three (23) packages of marijuana was found to be approximately 53.75 kilograms.

MARTINEZ was detained at the San Ysidro Port of Entry for processing and interview. At approximately 0350 hours, Special Agent Mark Narvaez advised MARTINEZ of his constitutional rights per Miranda. MARTINEZ declined to make any statements and requested the assistance of an attorney. At that time, the interview of MARTINEZ was terminated.